

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

No. C 17-00939 WHA

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; and OTTO
TRUCKING LLC,

**REQUEST FOR INPUT ON
PENDING MOTION TO
CONTINUE TRIAL DATE**

Defendants.

The Court has reviewed plaintiff Waymo LLC's notice regarding the progress of trial preparations (Dkt. No. 1848). In connection with its pending motion to continue the trial date (Dkt. No. 1604), Waymo shall please submit a memorandum by **OCTOBER 2 AT 5:00 P.M.** that sets forth:

1. Waymo's new, revised list (if such a revision were allowed) of all asserted trade secrets (all to be drawn from its disclosure dated March 10 (Dkt. No. 25-7)) that it now proposes to present at trial, keeping in mind that, even if a continuance were granted, there would be only one trial and any trade secret claims not on the list would be waived for the time period covered by this litigation as to defendants herein.

2. When Waymo would be ready to try the case based on the aforementioned list.

3. How the time limits that Waymo agreed to at the final pretrial conference yesterday would have to be adjusted, if at all, to accommodate its new list if permitted.

1 4. How much time, in Waymo's view, defendants should have to take discovery
2 and to present dispositive motions on Waymo's new, revised list.

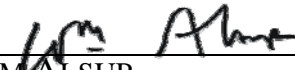
3 5. How much additional delay, if any, would flow were the Court to appoint an
4 expert witness pursuant to Federal Rule of Evidence 706 on the "validity" of Waymo's asserted
5 trade secrets.

6 Defendants shall have an opportunity to respond orally to Waymo's memorandum at the
7 hearing on **OCTOBER 3 AT 8:00 A.M.**

8 Meanwhile, the trial remains set to begin on **OCTOBER 10 AT 7:30 A.M.** Please proceed
9 accordingly. (All of the above is without prejudice to the Court's view that Waymo previously
10 agreed to limit its trade secret claims to only the nine already selected for trial.)

11
12 **IT IS SO ORDERED.**

13
14 Dated: September 28, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE